

BOARD OF APPEALS CASE NO. 5166

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BEFORE THE

APPLICANT: Pulte Homes Corporation

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ZONING HEARING EXAMINER

**REQUEST: Variances to permit an off-site project
development sign and variance for an existing
sign within the road right-of-way; 2310
Churchville Road, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 10/24/01 & 10/31/01

Record: 10/25/01 & 11/2/01

HEARING DATE: December 17, 2001

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Pulte Homes Corporation, is requesting a variance, pursuant to Sections 219-17 and 219-15 of the Harford County Sign Code, to allow a billboard sign in a B2/Community Business District. Additionally, Applicant is requesting a variance, pursuant to Section 267-14B, to allow an existing sign in the right-of-way in a B2 District.

The subject parcel is located at 2310 Churchville Road and is more particularly identified on Tax Map 42, Grid 3C, Parcel 375. The subject parcel consists of 1.052± acres, is zoned B2, Community Business District, and is entirely within the Third Election District.

Testifying for the Applicant appeared Mr. Paul Kotsher, an employee of Pulte Homes Corporation. The site of the sign is a parcel owned by Harford County and located on the corner of Churchville Road (MD Route 22) and Campus Hills Drive and is part of the Campus Hills Commercial complex. The sign advertises the Pulte homes for sales that are located more than 1,000 feet from the sign itself. The sign is intended to direct potential home buyers to the location of models and lots and, according to the witness, nobody would be able to tell where the homes and lots were without the sign because none are visible from the intersection. The sign is already erected and is depicted on Attachment 8 to the Staff Report. The sign is 79 feet from the road intersection, is 12 feet in height and 82 square feet in size. The witness stated that the sign placement is temporary and agreed to remove the sign in approximately 6 months. The area around the sign is commercially developed and there are no residences in proximity to the subject sign.

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The witness felt that the location of the access road and location of the actual development were so far apart that the configuration constituted a unique property condition allowing such a variance request. If the sign is not there, buyers will not be directed to the new homes and that would result in practical difficulty for the developer and economic hardship. The witness did not think there were any safety issues associated with the sign.

The Department of Planning and Zoning investigated the request and found that the configuration of the property was unique. The Department felt that without some directional sign, potential home buyers would wander around the commercial park without direction. Developments such as this are allowed development signs and, if this were located behind the shopping center there would be no need for a variance. Unfortunately, a location behind the shopping center will not serve the purpose as a directional sign, directing potential homebuyers to the location of new home sales. The Department went on to state that granting the variances would not adversely impact the intent of the Code or adjacent properties. It is located in a commercial area that contains other freestanding signs. The existing sign does not obstruct traffic in any way or the view of motorists on either Campus Hills Drive or Churchville Road. The sign is intended to be temporary only. The Department recommends approval of the subject request.

There were no persons who appeared in opposition to the subject request.

CONCLUSION:

The Applicant, Pulte Homes Corporation, is requesting a variance, pursuant to Section 219-17 and 219-15 of the Harford County Sign Code, to allow a billboard sign in a B2/Community Business District. Additionally, Applicant is requesting a variance pursuant to Section 267-14B of the Harford County Sign Code to allow an existing sign in the right of way in a B2 District.

Section 267-15 of the Sign Code provides:

- A. General. Billboards shall be permitted in the General Business (B3), Commercial Industrial (CI) and General Industrial (GI) Districts only. New billboards may not be constructed within the Rte. 40 CRD.

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- B. Location.** Billboards shall not be permitted to be erected within 300 feet of any public square or the entrance to any public park, public, private or parochial school, library, church or similar institution. All such signs shall be set back from the front property line the distance required for a principal building in the zoning district in which located. No billboard shall be permitted to be erected within 100 feet of a road intersection unless the base of the sign is not less than 10 feet above ground level or road surface, whichever is higher. No billboard shall be erected within 660 feet of any highway which is part of the interstate highway system.
- C. Height.** A billboard shall be no more than 40 feet in height from road grade. A variance in maximum height may be granted by the Board due to the uniqueness of the property.
- D. Area.** Billboards displaying poster panels may be single- or double-faced. No structure shall contain more than two faces showing in the same direction. The two billboards shall not exceed a combined total of 600 square feet. Painted bulletins shall be limited to an individual face, either single- or double-faced, and shall not exceed a total of 900 square feet per face.
- E. Illumination.** Illumination shall be in accordance with the provisions of Section 219-11.
- F. Removal of billboards in the Rte. 40 CRD.** Existing billboards located on sites within the Rte. 40 CRD may remain and may be replaced subject to approval of necessary permits. Should the billboard be located on a site with an existing use, expansion of the use by more than 20% shall require the removal of said billboard. Should a billboard be located as the sole use on a site as of the effective date of the legislation, future development of the site for other permitted uses shall require the removal of said billboard.

Section 267-14B of the Code provides:

“Except as provided in Section 219-7A, signs which are placed within the county or state right-of-way are prohibited and shall be removed immediately by the enforcement officer or the appropriate highway authority.”

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Section 219-17 of the Sign Code permits variances and provides:

“The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.”

Based on all of the testimony, the Hearing Examiner finds that the subject parcel is constrained by unique circumstances. Directional development signs are commonly allowed in Harford County and, because of the existence of a shopping center between the development and the road, such a sign would do little good unless it can be placed where the Applicant proposes. There was no evidence presented that would lead to the conclusion that the sign presented any safety concerns and the hearing Examiner is satisfied that there are no adverse impacts associated with this sign that would materially impair the use and enjoyment of any adjoining or neighboring property. The configuration of the road, shopping center and development create the need for the variance and a denial of the requested variance would defeat the recognized purpose of allowance of other similar directional development signs resulting in practical difficulty and potential financial hardship to the Applicant.

The Hearing Examiner recommends approval of the request subject to the following conditions:

- 1. The Applicant obtain any and all necessary permits and inspections.**
- 2. The sign dimensions not increase beyond those described by the Applicant and depicted on Attachment 8 of the Staff Report.**
- 3. The variance is for the exclusive use of the Applicant and is not transferable to a new owner.**

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4. The sign subject to the variance granted herein shall be removed no later than six (6) months from the date the approval requested herein is approved as final.

Date JANUARY 17, 2002

**William F. Casey
Zoning Hearing Examiner**